

**Introduced by Senator Hollingsworth**

February 22, 2007

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An act to ~~add Section 459.7 to~~ amend Sections 800, 801, and 802 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 476, as amended, Hollingsworth. Crime: ~~burglary~~.

*Existing law provides that prosecution for voluntary manslaughter, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or prosecution for vehicular manslaughter that occurred when the driver knowingly caused or participated in a vehicular collision or accident for the purpose of presenting a false or fraudulent claim, shall commence within 6 years after commission of the offense.*

*This bill would instead provide that prosecution for these offenses shall commence within 10 years after commission.*

*Existing law provides that prosecution for involuntary manslaughter or prosecution for vehicular manslaughter that occurred when the driver committed an unlawful act, not amounting to a felony, with gross negligence, or when the driver committed an unlawful act that might have produced death, in an unlawful manner and with gross negligence, shall commence within 3 years after commission of the offense.*

*This bill would instead provide that prosecution for these offenses shall commence within 10 years after commission.*

*Existing law provides that prosecution for vehicular manslaughter that occurred when the driver committed an unlawful act, not amounting to a felony, but without gross negligence, or when the driver committed*

*an unlawful act that might have produced death, in an unlawful manner, but without gross negligence, shall commence within one year after commission of the offense.*

*This bill would instead provide that prosecution for this offense shall commence within 3 years of the offense.*

~~Existing law provides that any burglary of an inhabited dwelling house, floating home, or trailer coach, or the inhabited portion of any other building, as specified, is burglary of the first degree, punishable by imprisonment in the state prison for 2, 4, or 6 years; all other kinds of burglary are of the second degree, punishable by imprisonment in a county jail not exceeding one year or in the state prison.~~

~~This bill would provide that, notwithstanding these provisions, if the burglary is committed against a federally licensed firearms dealer, with the intent to commit grand theft of a firearm, the burglary is punishable by imprisonment in the state prison for 2, 4, or 6 years.~~

~~Because this bill would increase the prosecutorial duties of local officials, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 800 of the Penal Code is amended to*
- 2     *read:*
- 3     800. (a) Except as provided in Section 799, prosecution for
- 4     an offense punishable by imprisonment in the state prison for eight
- 5     years or more shall be commenced within six years after
- 6     commission of the offense.
- 7     (b) Notwithstanding subdivision (a), prosecution of voluntary
- 8     manslaughter, gross vehicular manslaughter while intoxicated,
- 9     vehicular manslaughter while intoxicated, or of a violation of
- 10    paragraph (3) of subdivision (c) of Section 192 shall be commenced
- 11    within 10 years after commission of the offense.
- 12    *SEC. 2. Section 801 of the Penal Code is amended to read:*

1 801. (a) Except as provided in Sections 799 and 800,  
2 prosecution for an offense punishable by imprisonment in the state  
3 prison shall be commenced within three years after commission  
4 of the offense.

5 (b) *Notwithstanding subdivision (a), prosecution of involuntary*  
6 *manslaughter or of a violation of paragraph (1) of subdivision (c)*  
7 *of Section 192 shall be commenced within 10 years after*  
8 *commission of the offense.*

9 SEC. 3. Section 802 of the Penal Code is amended to read:

10 802. (a) Except as provided in subdivision (b), (c), ~~or (d)~~, or  
11 (e), prosecution for an offense not punishable by death or  
12 imprisonment in the state prison shall be commenced within one  
13 year after commission of the offense.

14 (b) Prosecution for a misdemeanor violation of Section 647.6  
15 or former Section 647a committed with or upon a minor under the  
16 age of 14 years shall be commenced within three years after  
17 commission of the offense.

18 (c) Prosecution of a misdemeanor violation of Section 729 of  
19 the Business and Professions Code shall be commenced within  
20 two years after commission of the offense.

21 (d) Prosecution of a misdemeanor violation of Chapter 9  
22 (commencing with Section 7000) of Division 3 of the Business  
23 and Professions Code shall be commenced as follows:

24 (1) With respect to Sections 7028.17, 7068.5, and 7068.7 of the  
25 Business and Professions Code, within one year of the commission  
26 of the offense.

27 (2) With respect to Sections 7027.1, 7028.1, 7028.15, 7118.4,  
28 7118.5, 7118.6, 7126, 7153, 7156, 7157, 7158, 7159.5 (licensee  
29 only), 7159.14 (licensee only), 7161, and 7189 of the Business  
30 and Professions Code, within two years of the commission of the  
31 offense.

32 (3) With respect to Sections 7027.3 and 7028.16 of the Business  
33 and Professions Code, within three years of the commission of the  
34 offense.

35 (4) With respect to Sections 7028, 7159.5 (nonlicensee only)  
36 and 7159.14 (nonlicensee only), of the Business and Professions  
37 Code, within four years of the commission of the offense.

38 (e) ~~This—~~*Prosecution of a violation of paragraph (2) of*  
39 *subdivision (c) of Section 192 shall be commenced within three*  
40 *years after commission of the offense.*

1 (f) This section shall become operative on July 1, 2005, only if  
2 Senate Bill 30 of the 2003–04 Regular Session is enacted and  
3 becomes effective on or before January 1, 2005.

4 ~~SECTION 1. Section 459.7 is added to the Penal Code, to read:~~

5 ~~459.7. Any person who enters any place listed in Section 459~~  
6 ~~belonging to a federally licensed firearms dealer, with the intent~~  
7 ~~to commit grand theft of a firearm, is punishable by imprisonment~~  
8 ~~in the state prison for two, four, or six years.~~

9 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
10 ~~Section 6 of Article XIII B of the California Constitution because~~  
11 ~~the only costs that may be incurred by a local agency or school~~  
12 ~~district will be incurred because this act creates a new crime or~~  
13 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
14 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
15 ~~the Government Code, or changes the definition of a crime within~~  
16 ~~the meaning of Section 6 of Article XIII B of the California~~  
17 ~~Constitution.~~